

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

MATCH GROUP, INC., a corporation,

Defendant.

Case No. 3:19-cv-02281-K

DEFENDANT MATCH GROUP, INC.’S UNOPPOSED MOTION TO STRIKE

Defendant Match Group, Inc. (“Match”) respectfully submits this Unopposed Motion to Strike (the “Motion”) Paragraphs 68 through 73 of the Federal Trade Commission’s (the “FTC”) Original Complaint (the “Complaint”), Dkt 1.

I. BACKGROUND

On March 24, 2022, the Court issued a Memorandum Opinion and Order (the “Order”) in which the Court dismissed with prejudice Counts I and II. Dkt. 86. Counts I and II are alleged in Paragraphs 68 through 73 of the Complaint. Match files this Motion because in light of the dismissal with prejudice, there is no reason for Match to substantively respond to Paragraphs 68 through 73, and the FTC agrees.

II. ARGUMENT AND AUTHORITIES

Federal Rule of Civil Procedure 12(f) permits courts to “strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Courts in the Fifth Circuit have granted motions to strike portions of complaints that refer solely to claims already dismissed. *See, e.g., Riggs v. DXP Enterprises, Inc.*, No. 6:18-CV-00729, 2019 WL 310053, at *3 (W.D. La. Jan. 8, 2019). Here, because Paragraphs 68 through 73 of the Complaint

refer solely to Counts I and II, which the Court dismissed with prejudice, the Court should strike those allegations from the Complaint.

III. CONCLUSION AND REQUESTED RELIEF

For these reasons, Match respectfully requests that the Court grant this unopposed Motion and strike Paragraphs 68 through 73 of the Complaint.¹

Dated: April 13, 2022

Respectfully submitted,

/s/ Angela C. Zambrano

Angela C. Zambrano
State Bar No. 24003157
angela.zambrano@sidley.com
David Sillers
State Bar No. 24072341
dsillers@sidley.com
SIDLEY AUSTIN LLP
2021 McKinney Ave, Suite 2000
Dallas, TX 75201
Telephone: 214.981.3300
Fax: 214.981.3400

Chad S. Hummel (admitted *pro hac vice*)
chummel@sidley.com
SIDLEY AUSTIN LLP
1999 Avenue of the Stars, 17th Floor
Los Angeles, CA 90067
Telephone: 310.595.9500
Fax: 310.595.9501

Attorneys for Match Group, Inc.

¹ Match contends that other paragraphs of the Complaint, including paragraphs 18-37, are irrelevant to the surviving claims and should be struck, but the FTC opposed, so Match agreed to limit its Motion to paragraphs 68-73 for the time being. Match reserves the right to move to strike other paragraphs of the Complaint related to the dismissed claims at a later date.

CERTIFICATE OF CONFERENCE

On April 6 through April 13, 2022, counsel for Match conferred with counsel for the FTC, Reid Tepfer, by email regarding whether the FTC opposes the relief requested in this Motion. Mr. Tepfer confirmed that the FTC does not oppose the relief requested in this Motion.

/s/ Angela C. Zambrano
Angela C. Zambrano

CERTIFICATE OF SERVICE

On April 13, 2022, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on counsel by a manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Angela C. Zambrano
Angela C. Zambrano